

From the Upper Chamber



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Report for Wednesday, April 2, 2008

The thirty-ninth day of the 2008 legislative session was called to order by Lieutenant Governor **Casey Cagle**.

Senator **Don Balfour** of the 9th stated that the journal had been read and was found to be correct.

House Bill 1416 was read for the first time and assigned to committee. The clerk then read the reports of standing committees and second readers.

After the morning roll call, Sen. **Horacena Tate** of the 38th led the Senate in the Pledge of Allegiance. She then introduced the *Chaplain of the Day*, Reverend **Bernice Kirkland** of Cascade United Methodist Church in Atlanta, who led the Senate in the daily devotional.

Sen. **Ross Tolleson** of the 20th took the well on a Point of Personal Privilege to urge the Senate to make donations to assist **Liz Erickson**, House photographer, after a fire severely damaged her home.

The Senate Consent Calendar of Privileged Resolutions, consisting of Senate Resolutions 1301-1309, was unanimously adopted.

The Senate Consent Calendar for Resolutions Expressing the Will of the Senate, consisting of SR 1007, 1165, 1202, 1291-1293 and 1300, was adopted by a vote of 48 to 0.

The clerk read SR 827, which urges Congress to withdraw the U.S. from the Security and Prosperity Partnership of North America to avoid an economic merger with Mexico and Canada. Sen. **Nancy Schaefer** of the 50th took the well to present the resolution.

SR 827 failed by a vote of 27 to 18.

Sen. **Mitch Seabaugh** of the 28th moved to reconsider SR 827. There was no objection.

The clerk read SR 1172, which urges Congress and the automobile industry to adopt the terms “life belt” and “life bag.” Sen. **Emanuel Jones** of the 10th took the well to present the resolution.

SR 1172 was adopted by a vote of 29 to 17.

Sen. **Chip Rogers** of the 21st moved to amend SR 1167 to create an additional study committee. There was no objection.

The Senate Consent Calendar for Resolutions Creating Study Committees and Commissions, consisting of SR 428, 767, 788, 1020, 1093, 1097, 1113, 1147, 1166, 1167, 1187, 1188, 1201, 1213, 1244, 1247, 1254, 1281, 1285, 1288 and 1289, was adopted by a vote of 47 to 0.

The Senate Local Consent Calendar, consisting of HB 552, 828, 999, 1001, 1008, 1012, 1013, 1185, 1205, 1255, 1261, 1285, 1329, 1352, 1407, 1448, 1453, 1457, 1459, 1466, 1468, 1473-1475, 1477 and 1485, passed by a vote of 50 to 0.

Sen. **Schaefer** moved to reconsider SR 827. There was no objection and the bill was placed on the general calendar.

SR 827 passed by a vote of 29 to 19.

Sen. **Judson Hill** of the 32nd took the rostrum to introduce the *Doctor of the Day*, Dr. **Ralph Haynes** of Atlanta.

The clerk read SR 1220, which commends Dr. **G. Wayne Clough** for his years of service as president of Georgia Tech. Sen. **Rogers** took the rostrum to speak to the resolution.

Sen. **Rogers** moved to engross HB 302, 948, 1023, 1024, 1035, 1110, 1274 and 1193.

Sen. **David Adelman** of the 42nd took the well to speak against the engrossment procedure.

The motion to engross passed by a vote of 31 to 18.

Sen. **Curt Thompson** of the 33rd took the rostrum to recognize members of the Many Horses Foundation, seated in the Senate gallery.

Sen. **Balfour** moved that the Senate agree to the House Substitute to Senate Bill 418 as amended. He took the well to explain the bill, which requires that all cigarettes sold in Georgia be fitted with “stops” to extinguish them when no longer being smoked. Amendment 1 makes minor technical changes.

The motion to engross passed by a vote of 49 to 0.

The clerk read House Resolution 468, which dedicates the Sheriff D.J. Connell Memorial Highway in Cook County. Sen. **Jeff Mullis** of the 53rd took the well to present the resolution and Amendment 1, which provides for an additional dedication.

Amendment 1 was unanimously adopted.

HR 468 was adopted by a vote of 51 to 0 as amended.

Sen. **Mullis** moved to table HR 1023 to allow for a late-arriving addition. There was no objection.

The clerk read HR 1078, which provides compensation for **Willie Otis “Pete” Williams**, who served almost 22 years in jail for a crime he did not commit. Sen. **Tate** took the well to present the resolution and yielded to questions from Senators **Bill Cowsert** of the 46th, **Steve Thompson** of the 33rd and **John Douglas** of the 17th.

Sen. **Adelman** took the well to speak in support of the bill and yielded to questions from Sen. **Michael Meyer von Bremen** of the 12th.

The Committee Amendment to HR 1078 was unanimously adopted.

HR 1078 was adopted by a vote of 40 to 10 as amended.

HB 1489-1491 were read for the first time and assigned to committee.

The clerk read HR 1425, an annual bill providing several easements of state property. Sen. **Johnny Grant** of the 25th took the well to present the resolution and Amendment 1, which corrects a language error.

Amendment 1 was unanimously adopted.

HR 1425 was adopted by a vote of 48 to 0 as amended.

The clerk read HB 1196, which provides a tax credit for Georgia research institutions that invest in research funds. Sen. **Rogers** took the well to present the bill and asked that the Senate vote down the Committee Substitute due to an error.

The Committee Substitute to HB 1196 failed by a vote of 0 to 31.

HB 1196 passed by a vote of 44 to 3.

Sen. **Nan Orrock** of the 36th took the well to urge Senators to purchase a copy of the Senate’s cookbook, *What’s Cooking Under the Dome*.

The clerk read HB 302, a local bill that allows Richmond County hotels to charge a tax used for promoting local tourism. Sen. **Ron Ramsey** of the 43rd took the well to present the bill.

HB 302 passed by a vote of 43 to 3.

The clerk read HB 544, which allows for the creation of health insurance pools for Georgia's private colleges. Sen. **Hill** of the 32nd took the well to present the bill.

The Committee Substitute to HB 544 was unanimously adopted.

HB 544 passed by substitute by a vote of 45 to 2.

The clerk read HB 637, which allows local school systems to administer assessment tests with state funding to additional grade levels. Sen. **Ralph Hudgens** of the 47th took the well to present the bill and yielded to questions from Sen. **Thompson** of the 33rd.

HB 637 passed by a vote of 45 to 3.

The clerk read HB 656, which allows members of the Teachers Retirement System (TRS) to revoke survivor benefits in the event of a divorce. Sen. **Tate** took the well to present the bill and yielded to questions from Sen. **Seabaugh**.

HB 656 passed by a vote of 48 to 0.

Sen. **Ed Harbison** of the 15th moved that the Senate agree to the House Substitute to SB 33 as amended. He took the well to present the bill, which authorizes the development and implementation of a statewide first responder building mapping information system. Amendment 1 perfects the bill's language. He yielded to questions from Sen. **Preston Smith** of the 52nd.

The motion to agree passed by a vote of 50 to 0.

The clerk read HB 864, which removes the 75 percent participation requirement in group life insurance. The *Georgia Health Marketplace Act* is also included in the bill. Sen. **Rogers** took the well to present the bill.

The Committee Substitute to HB 864 was unanimously adopted.

HB 864 passed by substitute by a vote of 37 to 10.

The clerk read HB 881, which establishes the Georgia Charter Schools Commission to authorize and fund state start-up charter schools. Sen. **Dan Weber** of the 40th took the well to present the bill. He also presented Amendment 1, which clarifies funding provisions. He yielded to questions from Sens. **Thompson** of the 33rd and **Ramsey**.

Sen. **Hudgens** took the rostrum to recognize the senior class from Athens Christian School, seated in the Senate gallery.

Sen. **Vincent Fort** of the 39th took the well to address his concerns with the change in the appeals process of charter schools, and the funding measures in HB 881.

Sen. **Ramsey** took the well to discuss his concerns that the bill would usurp control from local boards of education.

Amendment 1a, which makes minor language changes, was unanimously adopted.

Amendment 1 was unanimously adopted.

The Committee Substitute to HB 881 was unanimously adopted as amended.

HB 881 passed by substitute by a vote of 29 to 18.

The Senate stood at ease for lunch and reconvened at 2:00 p.m.

Majority Leader **Tommie Williams** of the 19th took the gavel to preside over the Senate.

The clerk read HB 948, which extends the sunset date on the annual sales tax holiday for school supplies and energy efficient appliances. Sen. **Rogers** took the well to present the bill and yielded to questions from Sen. **Fort**.

The Committee Substitute to HB 948 was unanimously adopted.

HB 948 passed by substitute by a vote of 37 to 1.

Sen. **Hill** of the 32nd moved to disagree to the House Substitute to SB 153. There was no objection.

Sen. **Hill** of the 32nd moved to disagree to the House Substitute to SB 383. There was no objection.

The clerk read HB 953, which creates the War of 1812 Bicentennial Commission. Sen. **Ronnie Chance** of the 16th took the well to present the bill.

HB 953 passed by a vote of 41 to 0.

The clerk read HB 963, which creates a special license plate supporting the sport of soccer in Georgia. Sen. **Hill** of the 32nd took the well to present the bill.

The Committee Substitute to HB 963 was unanimously adopted.

HB 963 passed by substitute by a vote of 42 to 1.

The clerk read HB 972, known as the *Uniform Prudent Management of Institutional Funds Act*, which provides standards for charities to use in managing investments and spending. Sen. **Bill Hamrick** of the 30th took the well to present the bill.

HB 972 passed by a vote of 42 to 0.

The clerk read HB 978, which allows law enforcement to seize vehicles of unlicensed drivers involved in traffic accidents. Sen. **Wiles** took the well to present the bill and yielded to questions from Sens. **Thomas** of the 2nd, **Steve Henson** of the 41st, **Gloria Butler** of the 55th, **Fort, Douglas** and **Orrock**.

Sen. **Jones** took the well to speak to the bill and voice concerns with applied fees due to complications as a result of vehicle seizure. He yielded to questions from Sen. **Henson**.

Sen. **Meyer von Bremen** took the well to speak against the bill regarding rural areas and the impounding of farming vehicles. He yielded to questions from Sen. **Rogers**.

Sen. **Fort** took the well to discuss the bill's unintended consequences of vehicle seizures.

Sen. **Carter** took the well to present Amendment 1, which outlines requirements for the release of vehicle seizures.

Sen. **Wiles** moved to table HB 978. There was no objection.

The clerk read HB 1023, which extends the sunset tax exemption for government contractors. Sen. **Wiles** took the well to present the bill.

HB 1023 passed by a vote of 43 to 4.

The clerk read HB 1024, which specifies the municipal and county recreation tax. Sen. **Rogers** took the well to present the bill.

HB 1024 passed by a vote of 44 to 3.

Lt. Gov. **Cagle** took the gavel to preside over the Senate.

Sen. **Wiles** moved to table HB 1035. There was no objection.

The clerk read HB 1110, which extends the sunset date on tax exemption for food banks. Sen. **Seabaugh** took the well to present the bill.

The Committee Substitute to HB 1110 was unanimously adopted.

HB 1110 passed by substitute by a vote of 47 to 1.

Sen. **Williams** moved to insist on the Senate Substitute to HB 68. There was no objection.

The clerk read HB 1163, which provides for an additional superior court judge position in the Alcovy and Douglas judicial circuits. Sen. **Bill Cowsert** of the 46th took the well to present the bill.

The Committee Substitute to HB 1163 was unanimously adopted.

HB 1163 passed by substitute by a vote of 48 to 1.

Sen. **Unterman** moved to agree to the House Substitute to SB 88 as amended. She took the well to present the bill and yielded to questions from Sen. **Thompson** of the 33rd.

The Senate agreed to the House Substitute to SB 88 as amended by a vote of 51 to 1.

The clerk read HB 1221, which allows a corporation that is not publicly owned to effectuate life insurance upon its employees. The bill also contains the *Georgia Healthcare Marketplace Act* language. Sen. **Murphy** took the well to present the bill and yielded to questions from Sen. **Orrock**.

The Committee Substitute to HB 1221 was unanimously adopted.

HB 1221 passed by substitute by a vote of 39 to 11.

The clerk read HB 1274, which provides tax credits for the donation of real property. Sen. **Heath** took the well to present the bill.

The Committee Substitute to HB 1274 was unanimously adopted.

HB 1274 passed by substitute by a vote of 50 to 1.

The clerk read HB 1297, which creates new protections for sexual assault victims. Sen. **Hamrick** took the well to present the bill.

The Committee Substitute to HB 1297 was unanimously adopted.

HB 1297 passed by substitute by a vote of 53 to 0.

The clerk read HB 1378, which changes the corporate limits to the city of Doraville. Sen. **Weber** took the well to present the bill and yielded to questions from Sens. **Tate** and **Henson**.

HB 1378 passed by a vote of 42 to 8.

The clerk read HB 1020, which restricts access to evidence in cases involving minors. Sen. **Wiles** took the well to present the bill.

The Committee Substitute to HB 1020 was unanimously adopted.

HB 1020 passed by substitute by a vote of 49 to 0.

The clerk read HB 119, which increases salaries for judges and justices. Sen. **Smith** took the well to present the bill and Amendment 1, which increases cost-of-living

adjustments. He yielded to questions from Sens. **Thompson** of the 33rd, **Unterman** and **Lee Hawkins** of the 49th.

Amendment 1 was unanimously adopted.

The Committee Substitute to HB 119 was unanimously adopted as amended.

HB 119 passed by substitute by a vote of 48 to 1.

The clerk read HB 257, which authorizes constables to carry pistols. Sen. **Douglas** took the well to present the bill and Amendment 2, which allows licensed individuals to carry pistols on public transportation. He yielded to questions from Sens. **Heath**, **Thompson** of the 33rd, **Orrock** and **Murphy**.

Sen. **Thompson** of the 33rd took the well to voice concerns with allowing pistols on public transportation and keeping them out of places where they do not belong.

Sen. **Carter** took the well to present Amendment 1, which authorizes retired constables to carry pistols.

Sen. **Fort** took the well to present Amendment 3, which requires colleges and universities to establish an emergency security plan. He yielded to questions from Sens. **Kasim Reed** of the 35th and **Orrock**.

Sen. **Heath** took the well to present Amendment 4, which authorizes chief magistrates to carry pistols. He yielded to questions from Sen. **Grant**.

Sen. **Grant** took the well to speak against Amendment 4.

Amendment 1 was unanimously adopted.

Amendment 2 was unanimously adopted.

Amendment 3 was adopted by a vote of 41 to 9.

Sen. **Smith** moved to reconsider Amendment 3. The motion passed by a vote of 33 to 20.

Sen. **Williams** moved to table HB 257 and all four amendments. The motion passed by a vote of 38 to 0.

The clerk read HB 602, which allows local school boards to sell school supplies to a county board if there are fewer than three suppliers. Sen. **Tolleson** took the well to present the bill.

HB 602 passed by a vote of 49 to 2.

Sen. **Hudgens** moved that the Senate adhere to its substitute to HB 1027, and that a Conference Committee be appointed. There was no objection and Sens. **Bulloch**, **Carter** and **Mullis** were appointed to the committee.

The clerk read HB 887, which creates the Master Settlement Agreement's Advisory Committee on Tobacco Use Prevention and Control Programs within the Department of Natural Resources (DNR). Sen. **Unterman** took the well to present the bill and Amendment 1, which provides that recommendations be made to the Governor's Office on how to improve the state's tobacco prevention strategy.

Amendment 1 was unanimously adopted.

The Committee Substitute to HB 887 was unanimously adopted as amended.

HB 887 passed by substitute by a vote of 49 to 0.

The clerk read HB 950, which provides several provisions for assembled vehicles and motorcycles, including requiring that a certificate of title must be issued for a kit vehicle or motorcycle before registration is issued. Sen. **Pearson** took the well to present the bill.

Sen. **Hudgens** moved for a ruling on germaneness of Amendments 1 and 2. Lt. Gov. **Cagle** found the amendments non-germane.

The Committee Substitute to HB 950 was unanimously adopted.

HB 950 passed by substitute by a vote of 51 to 0.

The clerk read HB 1066, which prohibits the sale of vaporized alcohol. Sen. **Hill** of the 32nd took the well to present the bill and yielded to questions from Sen. **Tate**.

HB 1066 passed by a vote of 49 to 0.

Sen. **Williams** moved that the Senate adhere to its substitute to HB 68 and that a Conference Committee be appointed. There was no objection, and Sens. **Johnson**, **Williams** and **Tolleson** were appointed to the committee.

The Senate stood at ease for dinner and reconvened at 6:00 p.m.

The clerk read HB 1086, which states that court bailiffs must be paid no less than \$5 per day. Sen. **Meyer von Bremen** took the well to present the bill.

HB 68 passed by a vote of 44 to 0.

The clerk read HB 1098, which mandates that the Secretary of State must be notified of all local elections and results. Sen. **Grant** took the well to present the bill.

HB 1098 passed by a vote of 50 to 0.

The clerk read HB 1112, which makes several housekeeping changes in the election code. Sen. **Wiles** took the well to present the bill.

The Committee Substitute to HB 1112 was unanimously adopted.

HB 1112 passed by substitute by a vote of 50 to 1.

The clerk read HB 1169, which excludes accredited private schools from being required to run day care centers. Sen. **Wiles** took the well to present the bill.

HB 1169 passed by a vote of 49 to 0.

The clerk read HB 1220, which allows spouses of deceased firefighters to continue being issued a special firefighters license plate, and provides for the creation of additional license plates. Sen. **Mullis** took the well to present the bill and yielded to questions from Sens. **Douglas** and **Henson**.

Sen. **Tolleson** took the well to present Amendment 1, which directs funds from certain license plates to the wildlife conservation fund.

Amendment 1 was unanimously adopted.

The Committee Substitute to HB 1220 was unanimously adopted as amended.

HB 1220 passed by substitute by a vote of 51 to 0.

Sen. **Hamrick** moved that the Senate disagree to the House Substitute to SB 169. There was no objection.

Sen. **Cowsert** moved that the Senate insist on its amendment to HB 958. There was no objection.

Sen. **Pearson** moved that the Senate agree to the House Substitute to SB 340 as amended. The bill prohibits sanctuary policies by local government entities. He took the well to explain the amendment, which allows private parties to enforce compliance with the Code section. He then yielded to questions from Sen. **Fort**.

The motion passed by a vote of 47 to 5.

The clerk read HB 1300, which allows local boards of education to exercise the option of making up school days missed due to critical circumstances. Sen. **Don Thomas** of the 54th took the well to present the bill.

HB 1300 passed by a vote of 50 to 0.

Sen. **Seabaugh** moved to table all remaining bills on the Rules Calendar. There was no objection.

Sen. **Seabaugh** then requested to remove HB 257 from the table. The motion passed by a vote of 36 to 18.

The clerk read Amendment 4, which makes a minor language change.

Sen. **Fort** took the well to speak to Amendment 3, which requires colleges and universities to establish an emergency security plan.

Sen. **Hudgens** took the well to state that the Board of Regents currently exercises the policies that Amendment 3 seeks to provide. He yielded to questions from Sens. **Fort**, **Reed** and **Rogers**.

Sen. **Balfour** moved the previous question. There was no objection.

Amendment 3 failed by a vote of 20 to 35.

Amendment 4 failed by a vote of 4 to 36.

Sen. **Douglas** took the well to close the debate.

HB 257 passed by a vote of 37 to 17 as amended.

Sen. **Bulloch** moved that the Senate adhere to its disagreement to the House Substitute to SB 429 and that a Conference Committee be appointed. There was no objection, and Sens. **Bulloch**, **Thompson** of the 7th and **Douglas** were appointed to the committee.

Sen. **Rogers** moved that the Senate insist on its substitute to HB 1246. There was no objection.

Sen. **Grant** moved that the Senate insist on its amendment to HB 1116. There was no objection.

Sen. **Murphy** moved that the Senate adhere to its disagreement to the House Substitute to SB 154, and that a Conference Committee be appointed. There was no objection, and Sens. **Murphy**, **Pearson** and **Cowsert** were appointed.

Sen. **Shafer** moved that the Senate insist on its substitute to HB 1280. There was no objection.

Following the morning announcements, Sen. **Williams** moved that the Senate stand in recess until midnight, then adjourn until 10:00 a.m. on Friday, April 4 for Sine Die.

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